



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,004	10/19/2001	Yuri Itkis	FORTUNE 01-05.PA	4886
29747	7590	06/29/2006	EXAMINER	
GREENBERG TRAURIG 3773 HOWARD HUGHES PARKWAY SUITE 500 NORTH LAS VEGAS, NV 89109			PANOS, JEFFREY C	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/042,004		ITKIS ET AL.	
	Examiner		Art Unit	
	Jeffrey C. Panos		3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-53, 55-61 and 63-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-53, 55-61 and 63-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 6, 8, 35, 36, 56, 58, and 66 contain subject matter with which the Specification does not provide proper antecedent basis for. More specifically, "a statement identification code" and the "most likely to win bingo card." Please provide to the Examiner clear and concise explanation as to where in the Specification it is explained as to how there is antecedent basis for these aspects of the claims.

Claim Objections

Claim 26 is objected to because of the following informalities:

Claim 26 contains a spelling error on the last line. The Examiner reads the last to be "validating said statement upon second inputting of the verification number.

Appropriate correction is required.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3713

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 9, 15, 16, 20-22, 27, 30, 31, 33, 37, 39, 40, 44-46, 51 and 55 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fioretti, U.S. Patent No. 5,351,970 in view of Moore et al., U.S. Patent No. 6,729,959 B1. See 103 rejection below. Fioretti discloses a system and computer implemented method of playing a sequence of bingo in a first bingo session. The data processing means is a computer. A data processing means stores a plurality of bingo cards and generates statements having informational data thereon. The data corresponds to one or more of the bingo cards. A printer is in communication with the data processing means for printing the generated statements (See Fioretti Figs. 2 & 3; col. 9 lines 31-64). A means is used to automatically generate random numbers. The means to generate random numbers is in communication with the processing means such that automatically generated random numbers are communicated to the data processing means (See Fioretti col. 14 lines 5-8). The data processing means determines whether one or more of the bingo cards correspond to a winning card by comparing the stored bingo cards with each of the numbers generated and storing a status of each bingo card as the numbers are generated. The means to generate random numbers being automatically disabled by the data processing means in response to the determination of one or more winning bingo cards by the data processing means (See Fioretti col. 8 lines 4-10; col. 13 lines 55-64; col. 14 lines 20-37). Since the system of Fioretti sequences through the bingo games within a session it is implicit that the data processing means further automatically re-enables the

Art Unit: 3713

generating of random numbers to initiate at least one event selected from the group consisting of (a) a new bingo game in the session and (b) a new bingo session (See Fioretti col. 8 lines 34-45; col. 10 lines 25-34). A means is used to notify players of the status of the stored bingo cards corresponding to the generated statements (See Fioretti col. 10 lines 35-45) [claims 1, 30, 56-67]. The data processing means is a microprocessor (See Fioretti Fig. 3; col. 13 lines 59-61) [claims 2, 31]. The means to automatically generate random numbers is a random number generator integrated in a microprocessor (See Fioretti col. 14 lines 9-12) [claim 3]. The means to notify the players of the status of their statements is a monitor, viewable by the players in communication with the data processing means (See Fioretti col. 10 lines 35-45 & Richardson, Patent No. 5,072,381 Fig 4) [claims 5, 33]. The data processing means has a computer network having one or more point of sale terminals (See Fioretti Fig. 2) [claims 9, 37]. Upon determination of one or more winning bingo cards, the data processing means further determines a prize associated therewith (See Fioretti col. 8 lines 15-20) [claims 15, 39]. The first session comprises at least two bingo games in sequence, each sequential bingo game initiated upon the occurrence of one or more predetermined events, the occurrence enabling the means to generate random numbers (See Fioretti col. 5 lines 54-55; col. 7 lines 16-20; col. 8 lines 34-45; col. 10 lines 25-29) [claims 16, 40]. The data processing unit further validates the statements upon presentation by comparing stored informational data corresponding to the statements with the information printed on the statements (See Fioretti col. 11 lines 22-35, 50-55) [claims 20, 44]. The information printed on the statements is includes an

Art Unit: 3713

identification code (See Fioretti col. 9 lines 50-52) [claims 21, 45]. The information printed on the statements includes a verification code (See Fioretti col. 9 lines 50-52) [claims 22, 46]. A cashier terminal is in communication with the data processing unit. The cashier terminal includes a monitor for displaying an outcome corresponding to the printed statements (See Fioretti col. 9 lines 31-64) [claims 27, 51]. If no games remain in the session, automatically initiating a new session of bingo games (See Fioretti col. 10 lines 25-30) [claim 55].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 17-19, 38, 41-43, 63 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fioretti, U.S. Patent No. 5,351,970. Fioretti discloses a point of sales terminal including a monitor for displaying a current status of at least one statement (See Fig. 2). Fioretti lacks in disclosing that the payout value associated with a statement is displayed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to display the payout value associated with a game or card [claims 14, 38, 63, 67]. By displaying the payout that a player has won, the player may be more inclined to play the game or may be further excited by the game and therefore enjoy it more by knowing how much money they have won on the game.

Fioretti lacks in disclosing that the predetermined event for starting a next game is a predetermined time, completion of a previous game or a predetermined number of sales of bingo cards. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the predetermined event for starting a next game be a predetermined time, completion of a previous game or a predetermined number of sales of bingo cards [claims 17-19, 41-43] because Applicant has not disclosed that these events provide an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Fioretti's invention, to perform equally well with any event starting the next game since. Therefore, it would have been prima facie obvious to modify Fioretti to obtain the invention as specified in the claims because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Fioretti.

Claims 1-5, 9, 14-22, 27, 30-33, 37-46, 51, 55-56, 63 and 67 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Fioretti, U.S. Patent No. 5,351,970 in view of Moore et al., U.S. Patent No. 6,729,959 B1. Fioretti discloses all of the limitations mentioned above but does not specifically express automatically re-enabling the generating of random numbers to initiate a new game; however, the Examiner believes this limitation to be implicit in Fioretti. However, if one determines that it is not implicit, the limitation is clearly obvious in view of Moore. Moore teaches of a system to implement a bingo game in which the data processing means automatically re-enables the generating of random numbers to initiate at least one event

selected from the group consisting of (a) a new bingo game in the session and (b) a new bingo session (See Moore Fig. 7; col. 6 lines 17-32; col. 11 lines 17-30) [claim 1]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the data processing means automatically re-enable the generation of random numbers and initiate a new game. By automatically conducting the bingo game, the games can be played at faster paces and one does not need to hire any operators in order to conduct the bingo game; therefore, it is simpler and easier for the casino to implement an automated game.

Fioretti lacks in disclosing a bingo ball hopper. Moore teaches of a means for automatically generating random numbers is through the use of a bingo ball hopper (See Moore col. 8 lines 57-64) [claims 4, 32]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a bingo ball hopper to select the numbers for the game. Bingo ball hoppers are well known throughout the art as a way to select random numbers and it is obvious to use them in order to get a random selection of numbers that is visible to the player.

Claims 6-8, 34-36, 56-58, 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fioretti (alternatively in view of Moore et al.), in further view of Kellen, U.S. Patent No. 6,645,072 B1. Fioretti lacks in disclosing displaying "the most likely to win bingo card". Kellen teaches of a bingo device in which a monitor displays a statement identification code corresponding to the most likely to win bingo card (See Kellen col. 3 lines 45-49; Fig. 1) [claims 6, 35, 58, 66]. The monitor displays one or more of the bingo cards closest to achieving bingo (See Kellen col. 3 lines 45-49;

Fig. 1) [claims 7, 34, 56, 57, 65]. The monitor displays the numbers needed to be generated for a most likely to win bingo card to achieve bingo (See Kellen col. 3 lines 45-49; Fig. 1) [claims 8, 36]. It would have been obvious to one of ordinary skill in the art to display the cards that are closest to winning bingo. By viewing these cards, the player can watch in anticipation as the next number is called and can visually see if they are about to win bingo. By only viewing the cards closest to winning bingo, a player can focus his attention on those cards and not have to be bothered with cards that are not likely to win.

Claims 10-12, 59-61 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fioretti (alternatively in view of Moore et al.) in further view of Barcelou, U.S. Patent No. 6,048,271. Fioretti discloses that the point of sale terminal has a printer but lacks in disclosing more specific peripheral devices. Barcelou teaches of a point of sale terminal that includes a magnetic/smart card reader, a barcode reader, a bill acceptor, a printer, a bill dispenser, a touchscreen and a keyboard (See Barcelou Figs. 1, 2a; col. 4 lines 5-8; col. 5 lines 26-43; col. 6 lines 48-55) [claims 10-12, 59-61, 64]. It would have been obvious to one of ordinary skill in the art to include any or all of these peripheral devices on the point of sale terminal of Fioretti. By using these peripheral devices, which are all well known throughout the art, the player can easily purchase or redeem bingo cards from a point of sale terminal. The peripheral devices make accessing a player's account or record easier.

Claims 23, 24, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fioretti (alternatively in view of Moore et al.), in further view of

Wei et al., U.S. Patent No. 6,398,646 B1. Fioretti lacks in disclosing printing a player tracking number or players name on the card. Wei teaches of a bingo game in which information printed on the statement includes a player tracking number and the player's name (See Wei Fig. 5; col. 2 lines 25-59) [claims 23, 24, 47, 48]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the player's tracking number or the player's name on the statement so that if the statement were to be lost, it could be accurately returned to the proper owner. By including this information on a statement, the statement can be properly associated with a player.

Claims 25, 26, 28, 29, 49, 50, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fioretti (alternatively in view of Moore et al.), in further view of Tawil, U.S. Patent No. 5,951,396. Fioretti lacks in disclosing barcodes printed on the statement. Tawil teaches of bingo cards in which at least portions of the information printed on the statement is in the form of a barcode (See Tawil Fig. 2) [claims 25, 49]. The data processing means of Tawil scans identification and verification codes printed on the statement to retrieve the results of the bingo cards corresponding to the statements (See Tawil col. 5 lines 33-36) [claims 28, 52]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have information in barcode form. Barcodes are easily scannable by barcode readers and do not leave room for human error in inputting the code to a computer for verification. Furthermore, barcodes can represent information in a non-human readable format to provide greater security. It would have been obvious at the time the invention

was made to have an operator override the data processing means and manually enter the identification and verification codes [claims 29, 53]. It is well known throughout the art for some barcodes to be wrinkled or not readily scannable and an operator can manually input the code into a computer. By allowing a manual override, unforeseen problems that may occur when bar codes are not capable of being scanned can be avoided.

Fioretti discloses that the point of sale terminals include a data processing means that generates and prints one or more statements, but lacks in disclosing including an identification and verification number. The data processing means displaying on a monitor an outcome corresponding to the statement upon first inputting the identification number (See Fioretti col. 12 lines 13-27) [claims 26, 50]. Tawil discloses that both the identification and verification codes are put in the same code where the number is on the card and verified through a table on the system (See Tawil col 5: 33-36, col. 6: 33-36). It would have been obvious to one of ordinary skill in the art to allow for an efficient system by combining the identification and verification number in order to validate a winning card [claims 26, 50]. Such codes can be encrypted with a simple digital string that would then be determined from a table the authenticity or lack thereof. This does not allow for anything but the system to maintain the code and does not put any burden on the user.

Response to Arguments

Applicant has overcome the double patenting rejection of claims 13 and 62 by responding with the removal of these claims.

Applicant has also overcome the 35 USC 112 rejection regarding claims 6, 8, 35, 56, 58, and 66. There is no longer any rejection under 35 USC 112 regarding claim 54.

Applicant's arguments filed December 19, 2005 have been fully considered but they are not persuasive.

Applicant contends "Fioretti fails to disclose automatically sequencing through bingo games within a session." The Examiner respectfully disagrees. It was clearly stated in the Office Action dated 6/17/2005 that a microprocessor completes data processing which is implicit to do so automatically given a parameter, as parameters are needed in all electronics to move from step to step. Parameters may be anything such as a time period ending, an input from a user, etc. Fioretti further discloses the automatic generation of random numbers, which is a part of the microprocessor and implemented for the bingo game.

Applicant mentions claims 1, 22, 27, 44, and 56, and states that "[t]he claims are interpreted under section 112 ¶6 such that they are limited to the means for language is constrained to the structural elements disclosed in the specification and equivalents thereof." Applicant further states the invocation of 112, 6th and describes that the "language is constrained to the structural elements disclosed in the specification or equivalents thereof," which in fact is clear enough to one of ordinary skill in the art that a description of a sequence in the specification to be automatic is not a structural limitation to be read into the claims. Moreover, Applicant admits in page 19 of 24 of the

12/19/2005 submission, lines 3-4 that Fioretti discloses "sequencing through each bingo game in a scheduled bingo session," and is noted to be the same as claims 1, 22, 27, 44, and 59. It is also not possible to interpret Fioretti to only human interaction as the only way to interpret their sequencing from one bingo game to the next. Even so, the claims as they are have been met by such an interpretation because they only describe the automatic generation of random numbers, automatic disabling and automatic re-enabling. The term "automatically" is left open for the processor generating random numbers. Applicant again contends the "instant application discloses a truly automatic system and method" without human interaction. Something must initiate such steps in an automatic system, such as inputs from a user, winding down times, winning games, etc. All of these just mentioned are parameters that trigger events in the game for a system to perform "automatically." This is why it is taken as a broad, automatic system.

Applicant contends it is not inherent that there is a monitor disclosed in Fioretti to display a current status of at least one statement. The Examiner respectfully disagrees and notes col. 10: 35-45 shows the inherency of a display to show current status.

Applicant contends the Examiner provides no support for "it would have been obvious...to display the payout value associated with a game or card" and that the Examiner confuses the terms prize and payout. First, the Examiner makes note to the Applicant that the support for this statement is provided in the sentences after as the Examiner thought it was clear to the Applicant. The Applicant's contentions after stating that there is no support provided is in fact the support that was meant to be clear to the Applicant. This is the same with the rest of the "lack of support" statements to follow

within the Applicant's Remarks. The Examiner apologizes for any misunderstanding. The Applicant describes the difference between the two terms, but directs the Examiner to paragraph 0045 in the publication that describes the "prize" and not the payout. However, the Examiner has updated the rejection accordingly. Further, the Applicant is asked to refer to only the Specification filed with the USPTO or let the Examiner know that the reference is being made to the publication in the future prosecution. In continuing the above contention, Applicant describes triggering mechanisms such as prescheduled time to start 121 as a representation of a parameter that makes the Applicant's invention automatic. Fioretti describes that each game session has a predetermined game schedule that are sequenced through, which is clearly an automatic game session given the Applicant's arguments. The schedule provides a parameter for the game to act automatically, where the parameter to have an automatic system is still a mere design consideration because it can be one of many things and is nothing new to the art to provide such a parameter for the system to act more efficiently.

Applicant contends the Examiner provides no support for the opinion that it would have been obvious...to require players to input two numbers and further contends that the Examiner contradicts own conclusion through the teachings cited. The Examiner respectfully disagrees. The Examiner provides support for this in the statement, "By requiring two numbers instead of one, an extra security measure is in place and players will have a more difficult time trying to forge two numbers."

Applicant contends that Moore teaches away from the invention because the manual actions required by the player and the lack of any time limit criteria imposed on

the duration of the pre-game cycle. The Examiner respectfully disagrees. The claims do not limit the invention from manual interaction as read and are simply met by such a disclosure. The only parts that are "automatic" are the processing of random numbers and disabling/enabling the numbers. The communication therefrom does not deem the system automatic, as the Applicant would like it to be interpreted. Further Moore discloses such automatic generation of numbers in col. 8: 40-66. Additionally, there is a pre-game cycle that stops when the system automatically locks out the keyboard so that the user it, and then the game will commence after such a delay. Applicant also contends that "[t]he word normally is indicative of the manual conduct of the bingo game by the game operator." This is not true because it says the keyboards are locked out and does not say that the users lock their own keyboards. Sequentially, the game proceeds afterwards and this is an imposed criterion so that the pre-game cycle does not go on indefinitely and automatically is started by the game machine. Moreover, the rejection is Fioretti in view of Moore where Fioretti teaches the sequence of the game. Applicant further contends that Moore lacks complete automation. The invention does not lack automation as was already cited in comparison to the claims. In addition, the "lack", as the Applicant interprets, is a variance of embodiments because it is disclosed that the game terminates "preferably automatically", which shows the inventors preference, but not to limit the invention.

Applicant contends that the Examiner misstates the teachings of Kellen because it is not disclosed that there are "numbers needed to be generated for a most likely to win bingo card to achieve bingo." The Examiner respectfully disagrees. Kellen

discloses the most likely to win bingo cards are shown and therefore the numbers needed are displayed on the cards. Further, the Examiner sticks to the rejection in that by viewing these cards, the player can watch in anticipation as the next number is called and can visually see if they are about to win bingo. By only viewing the cards closest to winning bingo, a player can focus his attention on those cards and not have to be bothered with cards that are not likely to win. Such reasons are applicable to Fioretti because this is universal for any bingo game. Whether it would be on a single machine, inner-casino network, or geographically distributed is of consequence because to display this over a network is known in the art and would provide the same outcome regardless of the location of the user playing the same game as the next person.

Applicant contends that Fioretti and Barcelou are mutually exclusive and that Fioretti "clearly teaches the concept of remotely purchasing bingo cards at home." The Examiner respectfully disagrees. The two references are not mutually exclusive because Fioretti clearly states that it is not only for home use (col. 7: 24-31). It can be set up at outlets, grocery stores, etc., in order to open up the wide range of point of sale. Barcelou is used in combination with Fioretti to teach that the point of sale terminals will obviously include peripheral devices taught by Barcelou and supports this in Figs 1, 2a, col. 4: 5-8, col 5: 2-43, and col. 6: 48-55. Further the Examiner stated motivation to use the peripheral devices was that the player can easily purchase or redeem bingo cards from a point of sale terminal, and will additionally make accessing a user's account or record easier.

Applicant contends that Fioretti teaches playing bingo over a wide geographic area and that it teaches away from centralized facilities as taught by Wei. The Examiner respectfully disagrees. Fioretti teaches the point of sale terminals to be coupled to a central game station where all are connected on a network (col. 7: 32-34). Whether the network is in a facility or on a more geographic scale does not affect the outcome of the system being played by users. This has no effect on whether there are print outs, whether the player is tracked, or how the game generates random numbers for the game. Moreover, Fioretti only lacked in disclosing printing the player tracking number or player's name on the card. Wei was used in combination with Fioretti to teach the printing of a player tracking number and player name on the card because if the statement were to be lost, then it could be accurately returned to the proper owner. The problem of whose card is whose is eliminated. Wei was not used to teach the entire invention separately from Fioretti. See the rejection under 103(a).

Applicant contends that the data processing means of Tawil does not scan both identification and verification codes. The Examiner respectfully disagrees. As is now stated in the rejection, Tawil discloses that both the identification and verification codes are put in the same code where the number is on the card and verified through a table on the system (See Tawil col 5: 33-36, col. 6: 33-36). By using the code as an identification code and verification code the system shows that is using its resources efficiently. It is simplifying the step of verifying by using the table. Such codes can be encrypted with a simple digital string that would then be determined from a table the

authenticity or lack thereof. This does not allow for anything but the system to maintain the code and does not put any burden on the user.

Conclusion

THIS ACTION IS MADE FINAL because the Examiner upheld the previous rejection. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Panos whose telephone number is (571) 272-6136. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey C. Panos
June 20, 2006


XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC 3700